

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN SMITH,

Plaintiff,

v.

CASE NO: 18-CV-10010-DT

CORIZON HEALTH
CORPORATION, ET AL,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate David R. Grand pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on March 13, 2018, the magistrate judge recommended that this court deny as moot Defendant Corizon Health Inc's, [Doc #12] Motion to Dismiss pursuant to Fed.R.Civ.P.12(b)(6). No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Corizon Health Inc's, Motion to Dismiss [Dkt #12] is DENIED AS MOOT WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 9, 2018

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 9, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522